

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHEVYN EUGENE MARSHALL,

Defendant.

CR-18-90-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on October 12, 2021. (Doc. 244.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on October 12, 2021. (Doc. 239.) The United States accused Marshall of violating his conditions of supervised release 1) by failing to report to his probation officer as directed; and 2) by failing to report for substance abuse testing. (Doc. 225.)

At the revocation hearing, Marshall admitted he had violated the terms of his supervised release 1) by failing to report to his probation officer as directed; and 2) by failing to report for substance abuse testing. (Doc. 239.) Judge Johnston found that the violations Marshall admitted proved to be serious and warranted revocation, and recommended that Marshall receive a custodial sentence of 3 months, with 18 months of supervised release to follow. (Doc. 244.) Marshall was advised of his right to appeal and his right to allocute before the undersigned. (Doc. 239.) The violation proves serious and warrants revocation of Marshall's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 244) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Shevyn Eugene Marshall be sentenced to the custody of the United States Bureau of Prisons for 3 months, with 18 months of supervised release to follow.

DATED this 28th day of October, 2021.



Brian Morris, Chief District Judge
United States District Court